

IN THE DISTRICT COURT OF THE UNITED STATES  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA, ) 2:15-CR-665  
)  
Plaintiff ) Charleston,  
) South Carolina  
vs. ) April 3, 2017  
)  
ALAN WALKER, )  
)  
DEFENDANT )

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE PATRICK M. DUFFY,  
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: MR. JAMES MAY  
Assistant United States Attorney  
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Columbia, SC 29201

For the Defendant MS. CAMERON BLAZER  
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1 THE COURT: You can call the case.

2 MR. MAY: *United States of America vs. Alan Roy*  
3 *Walker*, docket number 2:15-665.

4 Your Honor, the Pretrial Service report has been  
5 prepared. The Government has no objections. I believe the  
6 defense has two.

7 THE COURT: Okay. Thank you.

8 Ms. Blazer, I didn't get a chance until just before  
9 the hearing to read your sentencing terms, but I have read  
10 them all, including the attachments. If you are ready to  
11 proceed, tell me what your objections are.

12 MS. BLAZER: I am, Your Honor. And I guess moving  
13 from the easiest to the more challenging first, with regard  
14 to the second objection, I think that the addendum addresses  
15 my concern. All I wanted to ensure is that Mr. Walker will  
16 not be subjected to sex offender polygraph testing unless he  
17 is deemed to need that sex offender treatment during the term  
18 of his --

19 THE COURT: I think it's mooted, as well. So thank  
20 you. Go ahead.

21 MS. BLAZER: So the only remaining objection is to  
22 the enhancement 2G1.3(b)(2)(B) due to undue influence. And  
23 I'm familiar with the case cited by the probation officer, as  
24 well as a couple of cases that I believe the Government will  
25 rely on in -- in opposition to my objection. I think that

1 two things are important:

2 First, the enhancement ought to be imposed only  
3 where we see something extremely out of the ordinary. I  
4 mean, the Guideline itself is intended to address issues, the  
5 kind of conduct that we have here in general. And then in  
6 specific, as I mentioned in my written objection, and as I  
7 think distinguishes this case from those which the Government  
8 will rely on, notwithstanding the significant age disparity  
9 between Mr. Walker and Ms. May, the -- which certainly is a  
10 persuasive fact for the Court to consider -- Ms. May, as I  
11 think is documented in the PSR, endured a very troubled  
12 childhood and had acted out in a similar way with older men,  
13 resulting in prosecutions of, I believe, two men prior to her  
14 involvement with Mr. Walker. And so I don't think that that  
15 in any way excuses Mr. Walker's conduct, but it does call  
16 into question the degree to which she could have been unduly  
17 influenced. I recognize she was certainly not the age of  
18 consent, I acknowledge that, but that is a sort of  
19 precondition for us to be here.

20 I think the question of undue influence is the next  
21 level consideration. And I think that there is record  
22 evidence to suggest that on multiple occasions, Mr. Walker  
23 actually tried to persuade her not to pursue a romantic  
24 entanglement, but to pursue a more parent and child  
25 relationship that she rejected. Again, I don't wish for my

1 objection to in any way be construed as a request that this  
2 Court endorse the conduct or forgive the conduct, but I do  
3 think that it does not rise to the level of undue influence.

4 THE COURT: Happy to hear from the Government.

5 MR. MAY: Yes, Your Honor. Respectfully, the  
6 Application Note states that a ten-year difference has a  
7 rebuttable presumption arises for that ten-year difference.  
8 At the time Mr. Walker was 45 years old, and when this girl  
9 began to live with him, she was 14. The back story of the  
10 child was that her father had died when she was 12, so she  
11 was looking for boundaries. She was looking for somebody to  
12 help establish the boundaries. He started a sexual  
13 relationship as she lived in his house. When her parents or  
14 her mother moved her to South Carolina, he continued that  
15 relationship. At one point he even bought her a wedding  
16 dress and said, "Hey, we are going to get married." "Hey,  
17 let's get married." And then the last time he took her from  
18 Aiken, South Carolina to North Carolina and then to Maine to  
19 his parents' house.

20 The Government has handed up to the Deputy Court  
21 Clerk a case of *United States vs. Reed*, it's a Sixth Circuit  
22 case. Head note 3, the Sixth Circuit looked at a District  
23 Court who applied this presumption under 2G1.3(b)(2)(B). In  
24 that case, they say that the defendant in that case was  
25 35 years older than the child. He started the relationship

1 and led her to think that he was her boyfriend, encouraged  
2 her to run away from the family. To top it off, took her  
3 hundreds of miles away from her home with no way to return.  
4 That seems pretty much on point with this case. The child at  
5 the time was 15 years old, didn't have a driver's license,  
6 could not return from Maine. Your Honor, he told her that  
7 they were getting married. And in Ms. Blazer's own argument  
8 says that he wanted to have a parent/child relationship,  
9 which by its very nature has undue influence on a person.

10 Your Honor, the Government would state that  
11 Probation has correctly applied this, that they have not met  
12 the rebuttable presumption, and that it should be applied to  
13 Mr. Walker's case.

14 THE COURT: Thank you.

15 Ms. Blazer, I'll give you the last word if you want  
16 to reply to that.

17 MS. BLAZER: No, sir, Your Honor. I think that the  
18 facts that Mr. May articulated, notwithstanding some  
19 implications of those facts, I don't quarrel with.

20 THE COURT: Thank you. Very difficult set of facts,  
21 and I don't doubt for a minute that Mr. Walker thought at  
22 times he was doing what he could to help this young lady.  
23 And the problem is, it was very self-serving. And not only  
24 was the age difference so great, he actually had custody of  
25 her and had sex with her while he had custody of her. To me

1 the totality of those circumstances and what happened make it  
2 impossible for me to think that the presumption has been  
3 rebutted, and so I'm going to overrule the objection. Thank  
4 you.

5 With that in mind, let's look at the rest of the  
6 Presentence Report. Are there any other objections to the  
7 Presentence Report?

8 MR. MAY: Not from the Government, Your Honor.

9 MS. BLAZER: No, sir, Your Honor.

10 THE COURT: That being the case, I will accept the  
11 factual statements in the Presentence Report as the Court's  
12 finding of fact for purposes of this hearing. Does anyone  
13 object to my doing so?

14 MR. MAY: No, sir.

15 MS. BLAZER: No, sir.

16 THE COURT: I would ask the clerk to make the  
17 Presentence Report part of the record of this hearing. That  
18 being done, let's look at the Guidelines. I'll consider  
19 these Guidelines, together with the sentencing factors under  
20 Title 18, Section 3553. And let's make sure we have the  
21 Guidelines agreed upon.

22 Total offense level is 27.

23 Criminal History Category is I.

24 The defendant is not eligible for probation.

25 The term of incarceration from 70 to 87 months.

1 Five years to life supervised release.

2 \$12,500 to \$125,000 fine.

3 And restitution, none has been requested.

4 There is a mandatory \$100 special assessment fee.

5 Does anyone take issue with the Guidelines as read?

6 MR. MAY: No, Your Honor.

7 MS. BLAZER: No, sir.

8 THE COURT: I will then take those into  
9 consideration, as I said, with 3553(a) in reaching sentence.

10 At this point, I'll hear first from the Government  
11 and then from the defendant regarding sentencing.

12 MR. MAY: Your Honor, the Government would ask the  
13 Court to apply a Guideline sentence in this case. The  
14 Guidelines take into consideration the facts of the case, and  
15 appropriately put him in a range that the punishment is not  
16 more severe than it should be applied to him.

17 Your Honor, just for the record, the Government has  
18 been sending notification to the victim. It's my  
19 understanding they have left the district and want to put  
20 this behind them. There has been no request for restitution.  
21 That is the reason why there is no restitution being asked,  
22 even though this is a mandatory restitution case. Again, a  
23 Guideline sentence is what the Government requests.

24 THE COURT: Thank you.

25 Ms. Blazer?

1 MS. BLAZER: Thank you, Your Honor.

2 I would like to sort of set the stage for what I'm  
3 about to say in the context of the continuum between facts,  
4 perceptions and emotions. Because as somebody who has been  
5 fortunate to move through life with a relatively ordinary set  
6 of emotional and social constructs, I don't have Mr. Walker's  
7 perceptions as they relate to facts. I don't have the  
8 emotionality that he experiences in relationship to those  
9 perceptions that are then tied back to facts. And that is  
10 because Mr. Walker suffers from Borderline Personality  
11 Disorder, which the Court I know is aware of by the PSR, and  
12 those terms presented prior to this hearing. I think  
13 Mr. Walker is only the second person I've ever represented  
14 who has this disorder. And I can tell you based on the, just  
15 about a year that I've spent with him, that I would not wish  
16 borderline personality disorder on my worst enemy.

17 The personality disorders get sort of put in one  
18 category, as opposed to mood disorders when we think about  
19 criminality and when we think about what we are going to talk  
20 about with regard to culpability, mitigation, future  
21 dangerousness and all that kind of stuff in a criminal  
22 context. Because I think people who suffer from mood  
23 disorders traditionally are treated with a kinder eye toward  
24 mitigation than ordinarily those in the personality disorder  
25 category, because in the personality disorder category, we



1 tend to say these are characterological issues that can't be  
2 undone and that represent antisocial thought patterns.

3 If I might, I just would like to read into the  
4 record the characteristics of borderline personality  
5 disorder, because it is not a personality disorder that is  
6 like any social personality disorder or narcissism or those  
7 kinds of disorders.

8 According to the DSM, borderline personality  
9 disorder is marked by frantic efforts to avoid real or  
10 imagined abandonment, a pattern of unstable and intense  
11 interpersonal relationships, characterized by altering  
12 between extremes of idealization and devaluation. Identity  
13 disturbance, markedly and persistently unstable self-image  
14 and sense of self, impulsivity in areas that are potentially  
15 self-damaging, such as spending, substance abuse, sex,  
16 reckless driving or binge eating, recurrent suicidal  
17 behaviors or gestures or self-mutilating behavior. Effective  
18 instability due to marked reactivity of mood. Chronic  
19 feelings of difficulty controlling anger or other emotions  
20 and transient stress-related paranoid ideation or severe  
21 dissociative symptoms. As I said, I wouldn't wish that set  
22 of symptoms on my worst enemy.

23 Mr. Walker is somebody whose background in terms of  
24 having been a victim of repetitive sexual assault as a child  
25 set him up for borderline personality disorder. And Dr.

1 Mulbry, who was actually retained by one of Mr. Walker's  
2 earlier lawyers, has told me that he's never seen a more  
3 textbook case of the disorder than Mr. Walker. He suffers  
4 from every single one of those issues that I described to the  
5 Court. And they are -- they are debilitating on Mr. Walker,  
6 and then of course have had consequences -- his behaviors  
7 have had consequences on others, as we well know in this  
8 case.

9 But as the Court is aware, Mr. Walker did have two  
10 lawyers before he had me. And those relationships were  
11 marked by real difficulty, difficulty between --  
12 interpersonal difficulty between him and his other two  
13 lawyers. And I believe that they would say that he would  
14 say, and that I can say from my own interactions with him,  
15 that that is a function of the challenge of interpersonal  
16 relationships that is a direct result of the difficulties in  
17 perceptions that Mr. Walker deals with. He and I have had  
18 great success in trying to start first with facts and move  
19 from those facts to the perceptions that he attaches to those  
20 facts, and the way that those perceptions differ from mine.  
21 Because as you sit up on the bench, and as I stand here  
22 today, there is no explanation or excuse for what happened in  
23 this case. There is, however, a markedly different set of  
24 perceptions that Mr. Walker had at the time that this was  
25 going on than those that you or I would have experienced

1 under the same circumstances. And he is going to address the  
2 Court in detail about what he perceived at the time, what he  
3 has come to learn since then, and what he knows he still has  
4 to do. Mr. Walker is very realistic about the fact  
5 that his journey toward recovery is at the beginning. At his  
6 own expense, with the assistance of his family in Maine, he  
7 has Ellie Smith, who is known to this Court as a counselor  
8 who is attached to the drug program for many years visit him  
9 regularly at the jail. She has engaged with him in dialectic  
10 behavior therapy, which is the gold standard therapy for  
11 people with Borderline Disorder. It is an offshoot of  
12 cognitive behavioral therapy. It is specifically intended to  
13 assist somebody like Mr. Walker in confronting those  
14 perceptions and beliefs that arise out of misperceptions on a  
15 regular basis to form more pro social behaviors and pro  
16 social understandings of their environment. And she has  
17 recommended, as you are aware, that he continue specifically  
18 with DBT therapy.

19 I have, and with his assistance, done as much  
20 research as I knew how to do into what might be available to  
21 him at the Bureau of Prisons in terms of dialectic behavioral  
22 therapy. It appears to me that he is not going to qualify  
23 for the only DBT program that exists at the Bureau of Prisons  
24 because he is not a -- he has not demonstrated, while at the  
25 Charleston County Detention Center, any behaviors that

1 represent maladjustment to confinement. And it -- the only  
2 two programs that provide DBT therapy at the Bureau of  
3 Prisons are for high security inmates who have shown  
4 maladjustment to their environment. And they are -- so those  
5 two programs only exist at Terre Haute and ADX in Florence,  
6 Colorado. Those are not the kinds of places that I  
7 anticipate that Mr. Walker would be sent to, nor do I believe  
8 he should be sent to those.

9           So then we've got to start looking, stepping down at  
10 what kinds of other programs might provide appropriate  
11 interventions for him. As he moves through the prison system  
12 during whatever term of incarceration you might impose, the  
13 Court, I'm sure, is aware of the existence of the Residential  
14 Drug and Alcohol Program. Given Mr. Walker's prior history  
15 of drug addiction, and drug abuse, he may be considered for  
16 the nonresident program. I do not believe he will be deemed  
17 qualified for the residential program because his addiction  
18 has been in check for a period of time, longer than they  
19 require for admission. So that leaves two other kinds of  
20 programs. One is the Resolve program, which I believe is  
21 offered at a small number of facilities on the Eastern  
22 Seaboard, and that is a behavioral therapy intervention  
23 program for people who have been victimized by trauma, as he  
24 was throughout his childhood. And the other is a mental  
25 health step down unit, which is a sort of intermediate

1 outpatient-based mental health commitment that is not for  
2 people with serious mental illness in the sense of, you know,  
3 psychotic disorders or things like that, but who are facing  
4 mental health difficulties.

5           So when the Court considers what an appropriate  
6 sentence is, I would ask that you recommend that he be  
7 evaluated for placement in such -- in one of those types of  
8 programs, because when we think about the 3553 factors in  
9 terms of deterrence and rehabilitation, which I think are  
10 interconnected, ensuring that Mr. Walker receives the best  
11 treatment he possibly can is the best thing that we can do to  
12 ensure that you never hear from him again.

13           And again, his efforts at rehabilitation have been  
14 as substantial as they could be thus far under the  
15 circumstances.

16           In addition to the treatment he's undertaken with  
17 Ms. Smith, he has under -- he has taken every course he was  
18 eligible to take through the Veterans Upward Bound program.  
19 And he recently completed -- I did not have a certificate for  
20 it -- but he did recently complete a coping skills workshop  
21 offered through Charleston Mental Health that he tells me has  
22 been extremely helpful to him in managing his anxiety and  
23 his -- his difficulty in sort of daily encounters. And I can  
24 say that I have seen the benefit of that program in our  
25 interactions.

1           Another thing that I would ask the Court to consider  
2 when you fashion your sentence is that notwithstanding the  
3 very troubling nature of the conduct in this case on its  
4 face, there is no evidence that Mr. Walker ever engaged in  
5 any prior age inappropriate interactions with women in his  
6 life. I think this came at a sort of perfect storm both for  
7 this young lady and for Mr. Walker, and I do not believe  
8 there is any evidence that outside of this one relationship  
9 there has ever been any effort to have her maintain  
10 inappropriate conduct with minors.

11           And another thing that I think the Court should be  
12 mindful of as it fashions a sentence is on that sort of facts  
13 versus perceptions spectrum, Mr. Walker did not hide what he  
14 was doing from his ex-wife, from his parents. And I think  
15 that that represents his belief that the Court alluded to  
16 earlier in overruling my objection that Mr. Walker's beliefs  
17 about what he was doing were not hard hearted, were not evil  
18 in their intent. They were certainly harmful to him and to  
19 Ms. May, and then to the collateral people in his life who  
20 have suffered.

21           And that leads me to Sahara, his daughter. You  
22 received a letter from her. She is -- he speaks to her  
23 almost every day. He has maintained a relationship with her,  
24 notwithstanding their substantial distance from one another  
25 over the last two years of his confinement, notwithstanding

1 the fact that he and his ex-wife are no longer married. And,  
2 you know, she's got -- they certainly have the issues that  
3 any formerly married couple might have that are then  
4 compounded by this situation. She has always made it a  
5 priority for Sahara to have a relationship with Mr. Walker,  
6 or if not always, most of the time. And they do talk  
7 regularly, and he is committed to being the best parent he  
8 knows how to be to Sahara going forward. And I believe there  
9 are letters that you've received that document his --

10 THE COURT: Every one of them mentioned his  
11 relationship with his daughter.

12 MS. BLAZER: That's right. So for all of those  
13 reasons, chief among them that Mr. Walker seeks to improve,  
14 seeks to be a better person, seeks to understand the past and  
15 to learn from it in the future, because I believe he has  
16 already undertaken the punishment portion of the sentence you  
17 will impose with the seven -- I believe it's 751 total days  
18 of confinement as of today, I would ask that you fashion a  
19 sentence that allows him to return to an ideal mode of  
20 therapy at the earliest possible opportunity.

21 I'm happy to report, as I did to him this morning,  
22 that he no longer has any other pending charges related to  
23 this conduct in any other district or state court, and I  
24 believe that that will make him eligible toward the end of  
25 whatever sentence you impose for the halfway house. He's

1 going to need that because he's lost all material possessions  
2 he ever had during the course of this confinement. He's  
3 going to need to go to a halfway house. He's going to need  
4 to start working and saving money to begin to pay for rent  
5 and food and all those sorts of things. And because he no  
6 longer has any other charges hanging over him, I believe he  
7 will be eligible for the halfway house at the end of any  
8 sentence you impose.

9           The facts of this case on their face would trouble  
10 any parent, any grandparent, and all I can represent to the  
11 Court is that I believe that this is a dreadfully unfortunate  
12 but extremely isolated encounter that is not going to be  
13 repeated by Mr. Walker in any way going forward. And that  
14 notwithstanding the damage that it caused, was -- should be  
15 mitigated in this Court's eyes by the difficulties of  
16 perception and impulsivity that Mr. Walker suffers from as a  
17 result of his bi -- I'm sorry, not bipolar -- Borderline  
18 Personality Disorder. And I would ask that you fashion a  
19 sentence that takes those mitigating factors into  
20 consideration.

21           And at this time, I believe Mr. Walker would like to  
22 address the Court.

23           THE COURT: Mr. Walker, how about come up to the  
24 podium where we can talk more easily.

25           MS. BLAZER: Before he reads his letter, I want you



1 to know that as a lawyer, we try to sometimes control the  
2 things that our clients say to you. We try to make -- help  
3 them present their best selves and their best words to you.  
4 I have not done that with Mr. Walker here today because I  
5 want you to hear in his words his perceptions, his  
6 challenges. These are unfiltered and unvarnished. I'm aware  
7 of what he's going to say to the Court. And as I told him  
8 yesterday, under other circumstances, with somebody who  
9 wasn't dealing with the same emotional difficulties that he's  
10 dealing with, I would probably be editing what he's going to  
11 say to you. But I have not edited it, and this is his  
12 unedited set of thoughts on the subject.

13 THE COURT: Okay. Mr. Walker, I'll be glad to hear  
14 from you.

15 THE DEFENDANT: Your Honor, the first thing I would  
16 like to do is apologize to this Court, and all the people  
17 that have expended both their time and resources because of  
18 my actions. I would like to apologize to my friends and  
19 family, especially my daughter, for leaving her without a  
20 father to guide her. Even though we talk daily, I know it's  
21 not the same and I understand her pain. I am fortunate  
22 enough and eternally grateful to have all their support. I  
23 know the main reason I have their support is because of my  
24 openness, honesty, integrity, and they know I never meant any  
25 harm towards Hannah. Even though I have been painted

1       obscurely, they know who I truly am and they believe in me.

2               Most of all, I wish to say I'm sorry to Hannah for  
3       failing her. I hope she truly knows how much I love her.  
4       Your Honor, this case is very convoluted and has so many  
5       facets it's almost impossible to show the truth and the whole  
6       story without it looks like I'm condoning my actions. I am  
7       not condoning my actions.

8               I know now even though Hannah seemed like an adult  
9       by telling me that she had other adult relationships with  
10      older guys, which I found out from the discovery, two of them  
11      ended in prosecution, I should never have allowed our  
12      relationship to happen. I have no desire to say anything bad  
13      about Hannah because of our connection, being both survivors  
14      of child abuse, it distorted both our deceptions. Hers when  
15      her mother pimped her out, mine from my two half brothers.  
16      We understand -- we understood each other's pain and feelings  
17      of betrayal. It forces to you grow up too quick. I dealt  
18      with mine by claiming my independence at a young age, the  
19      same as Hannah wanted. I tried to give her that independence  
20      as much as she tried to fight for it. She tried working on  
21      getting emancipated. I understand that she did unhealthy  
22      behaviors, being promiscuous, sending nude photos to other  
23      guys and cutting. I understood because I did these behaviors  
24      when I was young, too. I only wanted to take her pain away,  
25      give her a voice and come through this as a functioning

1 person. I tried telling her that I would be a father to her.  
2 She told me she had a father, he was dead, and she wanted a  
3 husband.

4 I thought I could fix her and I know now I was  
5 wrong. I should not have given her the option to choose  
6 between being a child and an adult. Even though she acted as  
7 a wife to me and a mother figure to my daughter, I realized  
8 too late that it was only an act, she didn't have the  
9 capacity or the weight for her convictions. And even though  
10 my role was always passive, I'm no less culpable.

11 Your Honor, the night of October 20th when I -- when  
12 Hannah called me to pick her up, all I wanted was for her to  
13 be in a safe and happy place. It wasn't for sex. I never  
14 traveled explicitly for sex, and it wasn't my reason for our  
15 relationship. It was for the same reasons her stepmom called  
16 me earlier in the year to pick her up and allow her to live  
17 with me because of an ongoing physical abuse by her mother's  
18 boyfriend and her mother spending money allotted to Hannah  
19 from her dad's death benefits for drugs and alcohol, and not  
20 on resources for food for her and her brother. I feel like I  
21 owed to Hannah that I gave her back to her abuser. I prayed  
22 to God that he allowed me to do what was right. And even  
23 though I wasn't on the right path, I see how he planned to  
24 set me on it.

25 I knew things were not the way they should be, that

1 both Hannah and I needed help. I thought if she wasn't  
2 allowed to live with me, she could live with my parents until  
3 we were married. I know now I was right in trying to help  
4 her, but wrong in the way, in the how and by having an adult  
5 relationship with her. I see the correlation of how I didn't  
6 allow myself to finish my childhood and my flawed logic of  
7 thinking at the time that this was okay. Just as I should  
8 have found a way to finish my childhood when I was young, I  
9 should have found a way for Hannah to finish her childhood  
10 and finish growing up. And because I didn't, I'm truly  
11 sorry.

12           Your Honor, I can tell you, jail has been good for  
13 me and has helped me out immensely. I have lost every  
14 material thing -- and I'm not saying this because it was  
15 easy -- I've lost every material thing that I own and have  
16 gone through huge emotional turmoil. But as it says in  
17 Matthew 6:19, "Do not store up for yourself treasures on  
18 earth where moth and vermin destroy and thieves break in and  
19 steal. But store up for yourselves treasures in Heaven,  
20 where moth and vermin do not break in and steal. For where  
21 your treasure is, there is also your heart." Through all  
22 this, I have gained some clarity. I know that -- I know  
23 that -- I know it is because being in jail has allotted me  
24 time to look at myself introspectively. And through the work  
25 that I have done, such as Bible studies with Brother Al,

1 coping skills class that has shown me how to deal with the  
2 past issues and emotional challenges, and change my behavior  
3 so the issue won't ever manifest again. All the work Ms.  
4 Ellie Smith and I have done, and my lawyer, Ms. Cameron  
5 Blazer, has helped facilitate and guide me. The never ending  
6 support and contact with my family, the sharing of all this  
7 with my friend, and most of all my daughter. I have been  
8 blessed by her in being able to talk to her almost on a daily  
9 basis. I can't put this into words what she means to me.  
10 She is the reason I gave up drugs ten years ago. And the  
11 relationship I have for her is incredible. Even though it's  
12 not the same as being with her, still I have still been able  
13 to be a father even more so than some fathers since we focus  
14 on our talks on quality and not quantity.

15 She knows that she can talk to me about anything.  
16 And we have never had secrets from each other. She is the  
17 most beautiful person I know. Because of the relationship I  
18 have with my daughter and my God, I strive to be a better  
19 person every day. Your Honor, I do know the burden I have  
20 put on all these people, and society, too. I owe them all,  
21 and I wish to carry my own weight and meet all my  
22 obligations.

23 I wish to get out as soon as possible and to make  
24 the transition via halfway house with supervised release in  
25 using what I learned here and keep my real visitation on

1 track with my church, group therapy, personal therapy and  
2 exercise and work. I feel by meeting these obligations I  
3 will pay back my debt to society and helping others by  
4 sharing my story with others as a survivor of child abuse and  
5 how it has warped and obscured my thinking and actions and  
6 has brought me here.

7 Your Honor, last of all, I will accept whatever you  
8 deem appropriate as a sentence. My faith is in God. I will  
9 be where I need to be and can keep growing no matter what I  
10 am.

11 Thank you.

12 THE COURT: Thank you. I see some folks in the  
13 courtroom. If anyone has traveled here and would like to be  
14 heard, I'll be glad to hear from you.

15 MS. BLAZER: No, sir. Your Honor, as I think  
16 mentioned in their letters to you, although they are very  
17 supportive of him, Mr. Walker's mother and father are in  
18 their eighties and could not come from Maine to be here, but  
19 they are absolutely -- they have stood behind him. I have  
20 talked to him regularly throughout this process and they will  
21 be a resource for him going forward.

22 THE COURT: Okay. Thank you. You may return to the  
23 table. Anything further from the Government?

24 MR. MAY: Your Honor, I'll leave it in your court as  
25 far as how to deal with the Borderline Personality Disorder.

1 I think that that cuts both ways in a 3553 analysis, as far  
2 as protecting the public from the crime that he committed and  
3 deterrence.

4 The only exception the Government would take is that  
5 this is characterized as an extremely isolated incident.  
6 This happened over a 12- to 18-month period of time. It was  
7 repeated. I hope that he means the words that he read to  
8 you, I truly do; however, that doesn't excuse a man who knows  
9 the problems that abuse causes for hurting a child for that  
10 extended amount of time. And I would submit to the Court  
11 that a Guideline sentence is appropriate.

12 THE COURT: Thank you. Let's meet with the  
13 probation officer for a few minutes in the jury room, please.  
14 Take a brief recess.

15 (Thereupon, there was a brief recess.)

16 THE COURT: This is a very difficult and really  
17 tragic case. I guess more than anything, it's an example of  
18 what child abuse can do. Both the defendant and the victim  
19 in this case were locked into, I guess the tortures of being  
20 abused as children at the same time. I've already ruled the  
21 enhancement because of the age difference, etcetera, was  
22 appropriate, but I do believe that facilitating factor was  
23 the relationship they had that kind of symbiotically fed off  
24 of each other. This child, I worry about her today, she's  
25 gone, they can't find her, the parents are gone. If any of

1 what was reported, what was said on this record that she  
2 presented to him about her situation, I continue to worry for  
3 her because the future is not bright in any way or manner,  
4 but it could get worse. And it was kind of a perfect storm,  
5 is the best way I see it, as to how all this came about. And  
6 I say that because the defendant has many problems, which  
7 he's aware of and has acknowledged, but this offense,  
8 relationship he's had with an underaged person, as despicable  
9 and horrible as that is, the circumstances under which it  
10 came about in this case are bizarre, to say the best. I  
11 can't imagine where those around him -- and I'm not placing  
12 blame or sentencing anybody but him -- but her mother, her  
13 stepmother, and others had to know or suspect what was going  
14 on, or they were blind. And I can't imagine that his  
15 parents, when he took the child there and let her stay, they  
16 may have thought they were helping, too, but you had all  
17 these people on the outside who were not involved and who had  
18 not been damaged in their judgment by these past experiences  
19 and nobody intervened on behalf of this child, and that  
20 bothers me. I've decided to vary because of the nature  
21 and circumstances of the offense. This is the sole incident  
22 involving an underage person. There is no question but that  
23 Mr. Walker had every symptom listed for Borderline  
24 Personality Disorder, and I think he suffered with every one  
25 of them, and that had a lot to do with this whole horrible



1 offense. His past abuse as a child contributed greatly to  
2 not only that condition, but to his involvement in this  
3 situation with this young woman. I think it's significant  
4 that he tried to turn himself in. I think it's significant  
5 that he has made substantial efforts at rehabilitation and  
6 trying to get the appropriate help. And so I think to that  
7 degree that is what the 3553(a) factors are about.

8 He has a daughter who is ten years old. And every  
9 letter that was written to me, particularly hers, she's had  
10 to grow up before her time. Stresses how much she wants and  
11 needs him in her life and what a positive influence he is in  
12 her life. And I think that that is important so that we  
13 don't have yet another child victimized by all this.

14 So with that, it's the sentence of the Court that  
15 the defendant, Alan Walker, is committed to the custody of  
16 the Bureau of Prisons for a term of 57 months.

17 I want to place on the record why I chose that.  
18 I've already acknowledged and ruled that the enhancement was  
19 appropriate. If it had not been an enhancement, the  
20 Guideline range would have been 57 to 71 months.

21 Given his efforts at rehabilitation and his  
22 daughter's needs and his need for appropriate treatment,  
23 which I'm not sure will be available to him in our Department  
24 of Corrections, I think that he needs to get the treatment  
25 and continue it in the manner that he has it now.

1           The defendant does not have the ability to pay a  
2 fine so a fine is waived. The victim has not requested  
3 restitution.

4           The defendant must pay a \$100 special assessment fee  
5 due beginning immediately.

6           Upon his release from imprisonment, he'll be placed  
7 on supervised release for a term of five years. Within  
8 72 hours of release from the custody of the Bureau of  
9 Prisons, the defendant shall report in person to the  
10 probation office in the district to which he's released.

11           And while he's on supervised release, the defendant  
12 must comply with the mandatory and standard conditions of  
13 supervision as they are outlined in Title 18, Section  
14 3583(d). Also the following special conditions for the  
15 reasons set forth in the Presentence Report which have been  
16 previously adopted by the Court in its findings of fact.

17           One, the defendant shall not communicate or  
18 otherwise interact with the victim, either directly or  
19 through someone else. That is justified by the offense of  
20 conviction.

21           Mr. Walker, stand up, if you would. I want you to  
22 understand what I'm telling you. I believe you when you say  
23 you love her. And I know at one point you would have liked  
24 to have married her. You may still feel that way. You may  
25 not have any contact with her, and if you do, you will be

1 arrested and sent back to prison. I want that perfectly  
2 clear.

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: The defendant shall participate in a  
5 computer Internet monitoring program and abide by the rules  
6 of that program as approved by the probation officer. And  
7 that is justified again by the offense of conviction and to  
8 monitor the defendant not contact the victim either directly  
9 or indirectly.

10 The defendant shall participate in a program of  
11 mental health counseling and/or treatment as deemed necessary  
12 by the probation officer until such time as he's released  
13 from the program by the probation officer.

14 The defendant shall participate in a sex offense  
15 specific assessment to determine if sex offender treatment is  
16 needed, as talked about earlier, and discussed in the  
17 Presentence Report, and during counsel's presentation to the  
18 Court.

19 Additionally, if the sex offense specific assessment  
20 determined that the sex offense treatment is needed, the  
21 defendant shall submit to random polygraphs for treatment  
22 purposes, as well as compliance to the standard conditions of  
23 supervision to be conducted by any person deemed appropriate  
24 by the probation officer as a treatment tool to be used in  
25 conjunction with any of the sex offender treatment programs,

1 with the following limitations: Answers to questions asked  
2 during a polygraph test cannot be used against the defendant  
3 in any criminal proceeding other than an action to extend,  
4 modify or revoke supervised release. Also, information  
5 obtained during the polygraph testing cannot be made public  
6 or released to the state or any prosecuting authorities. And  
7 additionally, any fact obtained during the polygraph testing  
8 cannot be used in a civil commitment proceeding under state  
9 or federal law. The defendant shall pay copayments to the  
10 total cost of the polygraph. These payments shall be made in  
11 addition to copayments made for any sex offender treatment  
12 and shall be based on a sliding scale, which has been set up  
13 through the probation office. The defendant shall contribute  
14 to the cost of any treatment, drug testing and/or location  
15 monitoring not to exceed an amount determined reasonable by  
16 the court-approved sliding scale I just referenced, and shall  
17 cooperate in securing any applicable third-party payment,  
18 such as insurance or Medicaid.

19 Does either the Government or the defendant object  
20 to the form of the sentence?

21 MR. MAY: No, Your Honor.

22 MS. BLAZER: No, sir.

23 MS. BENEFIELD: Your Honor, so the defendant does  
24 have to register as a sex offender?

25 THE COURT: Yes. Well, didn't I say so?

1 THE CLERK: No, sir, number six.

2 THE COURT: I'm sorry. Thank you.

3 Mr. Walker, you have a right to appeal this sentence  
4 if you wish. Any sentence of appeal must be filed within  
5 14 days after the judgment in the case is entered. That will  
6 probably be today. If you so request, the Notice of Appeal  
7 can be filed by the Clerk of Court on your behalf.

8 Do you understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Now come up to this podium  
11 and let's talk a minute. When you leave this courtroom  
12 today, I don't want you to have any misunderstandings, and I  
13 don't think you do, but I also want you to understand what is  
14 probably implied, and I have been very specific in what I've  
15 had to say, but I want you to understand these additional  
16 things: You have a real problem and your treatment has  
17 helped you thus far. That is one reason you got a variance.  
18 Seems to be working and you want it and you are going after  
19 it, you want it to work. The length of time over which you  
20 conducted this affair shows absolutely terrible judgment in  
21 impulse control. If you ever let that happen to you again,  
22 you are gone.

23 Now, life has not been fair to you, and you are  
24 walking through life with substantial handicaps, but you've  
25 got to learn to deal with them in such a way that you don't

1 end up in court again. And the quickest way is to ever be  
2 involved with an underage person with sex. The fastest way  
3 to get you in trouble is to have any contact with this young  
4 woman. Now, mind you, she may contact you, or try to contact  
5 you. If she does, you may not in any way respond to the  
6 attempt. And if you do, you report it -- if she does, you  
7 report it to the probation office.

8 You understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. With that, I wish you good luck.  
11 Thank you.

12 MS. BLAZER: Would you consider recommending that he  
13 be evaluated for the mental health step down program at  
14 Butner?

15 THE COURT: I meant to do that. I think he should  
16 be evaluated for placement in the very best treatment program  
17 available at Butner, or whatever institution he's  
18 incarcerated in. And I think it's absolutely pivotal in his  
19 chance of success and not being a recidivist.

20 Thank you.

21 MR. MAY: At this time the Government would move to  
22 dismiss the remaining counts of the Indictment.

23 THE COURT: That motion is granted. Thank you.

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2 I certify that the foregoing is a correct transcript from the  
3 record of proceedings in the above-titled matter.  
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9 Amy C. Diaz, RPR, CRR

November 30, 2017

10 S/ Amy Diaz  
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